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8 Attorneys for Defendant
9 CINTAS CORPORATION NO. 2, *erroneously named*
as CINTAS CORPORATE SERVICES, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

15 MARK CASSINGHAM, individually and on
behalf of all others similarly situated,

Case No. 5:17-cv-05014-BLF

Plaintiff,

V.

CINTAS CORPORATE SERVICES, INC.

Defendant.

**DECLARATION OF MATT WALLACE
IN SUPPORT OF OPPOSITION OF
DEFENDANT CINTAS CORP. NO. 2
TO PLAINTIFFS' PRE-DISCOVERY
MOTION FOR CONDITIONAL CLASS
CERTIFICATION AND COURT-
SUPERVISED NOTICE TO
POTENTIAL OPT-IN PLAINTIFFS
PURSUANT TO 29 U.S.C. § 216(b)**

Date: March 22, 2018
Time: 9:00 a.m.
Dept: Courtroom 3, 5th Floor
Judge: Hon. Beth Labson Freeman

Trial Date: Not set yet
Date Filed: August 29, 2017

DECLARATION OF MATT WALLACE

I, MATT WALLACE, declare as follows:

1. I am the National Human Resources (“HR”) Director for the Fire Protection Division at Cintas Corporation. I have been in this position for approximately two (2) years. I have been employed with Cintas for approximately eighteen (18) years. Before my role as the National HR Director for the Fire Protection Division, I was a Regional HR Director within the First Aid and Safety Division and Fire Division. Prior to that role, I was employed in various HR capacities within Cintas, largely working within the Global Supply Chain network, which involves Cintas’ manufacturers and suppliers. The matters set forth below are within my personal knowledge and, if called upon as a witness, I could and would testify competently thereto.

2. Throughout my roles at Cintas, I have become familiar with Cintas' business operations generally as well as operations specific to the Fire Division. I am familiar with Cintas' record keeping practices, including Cintas' maintenance of files and records, personnel files, employment-related records, and payroll records that are kept and maintained in the usual and ordinary course of business. I have access to such records as the National HR Director.

3. Currently, there are approximately 560 hourly Fire Service Technicians (“FSTs”) at Cintas Locations nationwide, across fifty-five (55) different Locations and across twenty-six (26) different States.

4. The vast majority of FSTs have signed an Employment Agreement, which contains an agreement to arbitrate any claims or disputes with Cintas.

5. Local and regional managers control whether any adjustments to the policies should be made for particular drivers, and the ability of local managers to do so is reflected within the Fire Protection Drive Time Policy (FIRE Policy #2030, Reviewed and revised May 20, 2016). Regular approval of time records and time worked is also controlled at the Location level, directly by the manager at each Location.

6. Across Cintas nationwide, there are several different types of FSTs. Generally speaking, FSTs have varying job titles and may perform different tasks. Some perform tasks specific to Sprinkler Systems, others may focus on Pre-Engineered Systems (related to kitchens

1 or other fire suppression systems), Alarm Systems or other types of fire-related safety devices.
 2 Within those categories, FSTs may also specifically focus on testing, inspection or repairing,
 3 depending on their skill level and training. FSTs may also be differentiated with a Level I, II, III
 4 or IV designation, which indicates that the FST is certified by the National Institute for
 5 Certification in Engineering Technologies (“NICET”). Further, because of certain local
 6 municipality and state law requirements, certain regions require additional certifications of FSTs.
 7 Different FSTs would be subject to a different rate of pay based on these distinguishing job duties
 8 and qualifications.

9 7. Depending on the size of the Location, the subset of the technicians and whether
 10 there are special rules or laws governing the training/certification of FSTs, different Cintas
 11 Locations utilize FSTs differently and may have different practices from one another. For
 12 example, at certain Locations, FSTs will commonly be in teams for inspections or repairs.
 13 Certain FSTs may work more regularly in pairs, or with an apprentice, whereby they meet for the
 14 day at the Location and drive together in a single company vehicle from the Location to the
 15 customer site. Certain FSTs are also responsible for larger clients, which require them to work at
 16 a single customer site for a longer period of time (for example, a hotel, which would have
 17 hundreds of fire detectors and/or sprinklers). Under those circumstances, the FSTs working
 18 together might drive to the site independently or together using the same company vehicle. In
 19 addition, there are certain Locations and FSTs who do not take their Cintas-issued vehicles home
 20 and instead park the vehicles at the Cintas Location at the end of each shift.

21 8. In my experience, it would be highly unusual for an FST to be checking oil and
 22 radiator fluids under the hood on a daily or even twice a day basis. This would likely only occur
 23 if the driver had observed a specific problem and in that event, the vehicle would be promptly
 24 scheduled for special maintenance. Cintas also has a robust Preventative Maintenance schedule
 25 whereby vehicles are sent to a service mechanic at regular intervals to ensure the vehicles are in
 26 good working order.

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1 I declare under penalty of perjury under the laws of the United States of America that the
2 foregoing is true and correct. Executed on the 5th day of December 2017, in Mason, Ohio.
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5 /s/ Matt Wallace
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ATTESTATION STATEMENT

2 I, Michelle M. Full, am the ECF User whose identification and password are being used
3 to file this DECLARATION OF MATT WALLACE IN SUPPORT OF OPPOSITION OF
4 DEFENDANT CINTAS CORP. NO. 2 TO PLAINTIFFS' PRE-DISCOVERY MOTION FOR
5 CONDITIONAL CLASS CERTIFICATION AND COURT-SUPERVISED NOTICE TO
6 POTENTIAL OPT-IN PLAINTIFFS PURSUANT TO 29 U.S.C. § 216(b). Pursuant to Civil
7 L.R. 5-1(i)(3), I attest that I have on file written authorization for any signatures indicated by a
8 "conformed" signature (/s/) within this e-filed document.

/s/ Michelle M. Full
Michelle M. Full

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